

CITY COUNCIL MINUTES
December 7, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, December 7, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audio recordings of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: Mosby, Brinkerhoff-Riley, Robinson, O'Daniel, Weaver, Adams

Absent: McGinn, Friend, Lindsey

President Adams: There being six (6) members present, three (3) members absent and six members representing a quorum, I hereby declare this session of the Common Council officially opened.

PLEDGE OF ALLEGIANCE

Because she wants to talk to us about the Bill of Rights, I would like to have Berniece Tirmenstein come up and lead us in the...knowing how passionately patriotic she is I'd like her to lead us in the Pledge of Allegiance.

Thank you so much

Fellow Councilmen and those in the audience, welcome to the December 7, 2015 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Are there any students in the audience that would like to be recognized? Yes there are. Please stand up. Audience, high school. Great. If you need anything signed at the end of this meeting please come up and he will sign them. *Laughter* No, we'll all sign 'em. Thank you so much for coming to see democracy in action here.

COUNCIL ATTORNEY

City Attorney tonight is the imitable Scott Danks.

SERGEANT AT ARMS

Officer Thiry is our Sergeant at Arms. Thank you for being here, sir.

APPROVAL OF MINUTES

Is there a motion to approve the minutes of the November 16, 2015 meetings of the Common Council as written?

Councilman O'Daniel: So moved.

Councilwoman Robinson: Second.

President Adams: We have a motion and a second. All those in favor? Those opposed? So be it.

REPORTS AND COMMUNICATIONS

IN YOUR DECEMBER 4th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for December 7, 2015
- * Ordinances G-2015-31, G-2015-32, G-2015-33, G-2015-34, G-2015-35, R-2015-29, and F-2015-23 Amended
- * October 2015 Financial Report
- * Evansville Redevelopment Commission Meeting Minutes from November 4, 2015
- * Weights and Measures October – November Monthly Report
- * Area Plan Commission Report and Meeting Minutes from November 12, 2015
- * Danks & Danks Invoice for Legal Services

EMAILED MATERIAL:

- * City Council Meeting Minutes for November 16, 2015

ON YOUR DESK THIS EVENING:

- * Extended Agenda
- * Evansville Redevelopment Commission Meeting Minutes from November 4, 2015 and November 17, 2015
- * Ordinances G-2015-23 and F-2015-23 Amended

President Adams: Is there a motion to receive, file and make these reports and communications a part of the minutes?

Councilwoman Robinson: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So be it.

FIRST READING OF ORDINANCES AND RESOLUTIONS

BRINKERHOFF-RILEY**BRINKERHOFF-RILEY**

LINDSEY

LINDSEY

LINDSEY

ADAMS

R-1 to C-2

District: Dan McGinn, Ward 1

R-2 to C-1

District: Connie Robinson, Ward 4

President Adams: Is there a motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilwoman Brinkerhoff-Riley: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. All those in favor, please? Opposed? So be it.

The Council now stands at Third Reading of Zoning Ordinances, which is final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-24

APC

R-1 to C-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4201 Stringtown Road

Petitioner: Old North United Methodist Church, Inc.

President Adams: Name and address sir, please.

Representative for Petitioner Mills: Hi, my name Brad Mills, Capstone Engineering and I'm here to represent the zoning request from R-1 to C-1 for a 20 x 20 parcel that surrounds an existing sign that we want to have an electronic message board so we have to rezone it to C-1. We sent out notices to all the neighbors, invited them to stop by the church. We haven't heard anything so I believe we are good to go with your all's approval.

Any questions be happy to answer.

President Adams: Any questions from Council? Any questions from our...are there any remonstrators or questions from the group out there?

Okay, is there a motion to adopt R-2015-24?

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second; and then if we can go to a roll call when you're ready.

ROLL CALL:

Ayes: Mosby, Brinkerhoff-Riley, Robinson, O'Daniel, Weaver, Adams

Absent: McGinn, Friend, Lindsey

President Adams: Therefore, being six (6) ayes and zero (0) nays, Ordinance R-2015-24 is hereby declared adopted.

Thank you so much.

Mills of Capstone Engineering: Thank you very much.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-25

APC

C-2 & R-1 to C-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 4111 N. Green River Road

Petitioner: Ready Development of Indiana, LLC

Attorney for Petitioner Bulkley: Good afternoon, members of the City Council. For the record, my name is Maria Bulkley. I'm an attorney with the law firm of Kahn, Dees, Donovan and Kahn and my address is 501 Main Street. I'm here this afternoon representing Ready Development of Indiana, LLC and Deaconess Hospital.

The applicant, Ready Development, has entered into purchase agreements to buy a majority of the real estate they're asking to rezone and it would be used primarily for a Deaconess general practice physician's offices and other professional offices. It would be a commercial sub. Completing the purchase of the real estate and developing it as a commercial sub-division is of course contingent upon being able to get it rezoned.

With me this afternoon are several people who can answer questions and provide additional information. I have J.T. Kinkle with Kinkle & Sons Architects here. I have Matt Wallace with us who can provide engineering information if you need it. And Scott Hyatt from Summit Real Estate is here and I also have, probably most importantly, Morris Thomas from Deaconess Hospital here to answer any questions.

At the Plan Commission level I had quite a long presentation. I'm going to try to give you the abbreviated version because you have a big crowd and I'm sure you have a lot to do and it did get a unanimous positive recommendation for approval.

The request is to rezone approximately 14 acres at Green River and Lynch from R-1 to C-2 for this commercial subdivision and what I will do is just walk you quickly through my exhibit packet that I've given each of you.

So the first exhibit you have has the parcels that we'd like to rezone starred in yellow and you can see that we're at the intersection, or right near the intersection, of Green River and Lynch. The Huck's is actually on the corner so we're not quite at the intersection but pretty close.

Then the next exhibit is the one prepared by Kinkle & Son Architects and it shows you where the Deaconess medical facilities would sit on the lot; they're in blue, and then the surrounding commercial lots as well as the access points and roads.

The next exhibit is an aerial photographic exhibit that I made and what it does is shows you the property to be rezoned, and just so you can easily get your bearings, I went ahead and identified all the other businesses in the surrounding area so you can see this fits nicely within this area of town.

The next exhibit I have is showing apartments that are under construction just to east of where this development would be and that's where you can see the Waterstone Apartments.

And then I have...the next exhibit is Delaware Trace. It shows an apartment complex, which is just north of the parcel that we want to rezone.

So I'm trying to go every, you know, pretty much every direction around. And then the last exhibit is...we sort of did a collage of all of the businesses in the area so you can see there's quite a bit of new development out here. It's pretty much of hub of activity of new developments and developments under construction.

Again, we did not have any remonstrators. I had one neighbor call me. We customarily will notify everyone and offer a meeting, you know, with refreshments, do a walking tour of the site. We only had one call and it was a neighbor who lives in a nearby residential area and she was really excited to find out what this was possibly going to become.

So if you have any questions we'd be happy to answer those. If you would like me to go into more detail about plans or access or anything like that, I'm happy to do so but we're working with all the appropriate City agencies and so far things are looking good so...

President Adams: Any questions from Council? I have one. Are these...is this building going to have new primary care physicians or are they just going to move some existing primary care people over to this new building?

Attorney for Petitioner Bulkley: I'm going to let Morris Thomas come up and answer that. I know that there'll be new offices. I don't know if they will be duplications of other offices or...

President Adams: Well, the reason I ask it is there's such a huge, crying need for primary care and will be for the next 20 to 30 years. If that's what you're doing I...gee whiz, that's exciting.

Attorney for Petitioner Bulkley: Well let me let Morris...let me step aside and let him answer that.

Deaconess Sr. Project Manager Thomas: Name is Morris Thomas with Deaconess Hospital. My address is 9615 St. Wendell Road, Evansville, Indiana.

This is part of our expansion plan for Deaconess Clinic and so initially there will be new... or existing doctors relocated but we do have an expansion plan that will bring a few new physicians in and nurse practitioners as well.

President Adams: And medical students?

Deaconess Sr. Project Manager Thomas: Certainly. We're hoping for that.

President Adams: Okay, me too.

Okay, any comments from the crowd tonight? Okay, I will entertain a motion to adopt Ordinance R-2015-25.

Councilwoman Robinson: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second and shortly we will do a roll call.

ROLL CALL:

Present: Mosby, Brinkerhoff-Riley, Robinson, O'Daniel, Weaver, Adams

Absent: McGinn, Friend, Lindsey

President Adams: There being six (6) ayes and zero (0) nays, Ordinance R-2015-25 is hereby declared adopted.

Thank you so much.

Attorney for Petitioner Bulkley: Thank you.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-23 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

COMMITTEE REPORTS:

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear ***Ordinance F-2015-23 Amended*** and it comes forward with a do-pass recommendation.

President Adams: Is there a motion to adopt Committee Reports and move Ordinances and Resolutions to the Third Reading.

Councilwoman Robinson: So moved.

Councilwoman Brinkerhoff-Riley: Second

President Adams: We have a motion and a second. All those in favor? Opposed? So be it.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-23 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Adams: Is there a motion to adopt Ordinance F-2015-23 Amended?

Councilwoman Brinkerhoff-Riley: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. Roll call please

ROLL CALL:

Present: Mosby, Brinkerhoff-Riley, Robinson, O'Daniel, Weaver, Adams

Absent: McGinn, Friend, Lindsey

President Adams: There being six (6) ayes and (0) nays, Ordinance F-2015-23 Amended is hereby declared adopted.

MISCELLANEOUS BUSINESS

The next meeting of the Common Council will be Monday, December 14. It'll be the last one of this year, beginning at 5:30. Right now the committee meetings begin at 5:15.

Chairman Lindsey will not be here. If no one else wants to take over the Public Works Committee I'll be glad to do it if somebody else doesn't want to do it. Don't rush to the fore...but that's okay.

Mr. Lumley, will you join us for a 10-minute exposé of your thoughts on blight?

City Council Attorney Danks: *(Off Mic)* What happened to the three minutes?

President Adams: He and I have talked discussed it. We don't want to repeat.

George Lumley: I'm George Lumley. I reside at 10016 Brookline Drive. I'm here to speak on my, *Let's Fix That* initiative. *Let's Fix That* is my special interest. It focuses on maintaining older neighborhoods through developing awareness and encouraging efficient and effective use of available resources.

Some of what I will introduce here was covered in today's Indianapolis Star. I invite you to read their article today where Senator Jim Merritt said that he's been working on the tax sale issue as it relates to blight since 1992. Senator Merritt stated that, "The reforms passed in the last three years will be very effective in eliminating associated blight". Representative Dan Forestal, also a leader in property tax sale reform for Indiana, indicated he will no longer...indicated, "We will no longer be giving away the profits while accepting the costs on blighted properties related to the tax sale". These two are looking forward to addressing mortgage foreclosure in future legislation that's a major contributor to the blighted properties.

I came here today to address the Building Commissioner's budget for Code Enforcement and demolition. Funding Code Enforcement and quick demolition of un-repairable structures is largely accepted as the most cost effective use of limited funding for preventing and alleviating blighted properties from neighborhoods.

The tax sale process seems to be blamed for a lot of the blight although the tax sale process has been a sponsor to the blighted neighborhood issue; it's not the most significant contributor to the problem. It's claimed we have 1,800 vacant structures in Evansville that need to be torn down but there are less than a hundred going through the final tax process each year. Of this years' 79 properties, Mr. Beane, Building

Commissioner, indicated that 40 would return to the sale so if only 40 are returning to the sale it makes little sense that the tax sale is significant to the 1,800 problem houses.

Earlier in the year there was the issue of all fire and police runs to these properties. I obtained the data, and again, 85% of the runs were to only 50 properties. The biggest problem with these 1,800 blighted houses is not the tax sale process but foreclosure and the lack of code enforcement and lack of economic resources and incentives to demolish or repair.

Tax sale reform in the last couple of years has been passed in the State legislature. Contrary to yesterday's Courier & Press article, the tax sale process reform is not new to 2016 but has been in the works for a couple of years. Senate bill 415, mentioned in the article, is mostly a technical correction of previous legislation and was passed retroactive to January 1st of this year.

I have not been involved since 1992 like Senator Merritt but blight is one of my special interests and I was following this legislation. I attended a meeting sponsored by DMD in February that was supposed to be a work group on how to address blight. I insisted that the group consider the effects of Senate bill 415 but Kelley Coures said it would not pass and making the Brownfields a land bank was the only option. The bill was assured to pass and did a week later.

Much legislation has passed that drastically speeds up the tax sale process, delivers a special title with no right to redemption, guarantees a fee, simple, absolute interest and discharges all liens with the exception of the of the federal liens. The federal government regularly discharges their liens with a simple request.

Tax delinquent properties can be sold while still desirable instead of letting 'em run down to where nobody wants 'em and people do want the tax delinquent properties. I looked into these supposed unwanted properties and found that that they don't want them is simply not the case. Now most owners do not want to pay a big price for the lot next to their house, especially if there's a \$6,000 demolition bill attached, but many have paid a thousand or more just for the priviledge of owning, mowing and paying taxes on it.

Many various prices were paid for the properties people wanted from this last tax sale process. A church that wanted the lot next to it got it for a dollar. I think that gentleman's in the audience. Now maybe a dollar sounds like a bad deal for the taxpayers but this sale will save the taxpayers the cost of maintaining this property. Kelley Coures told me that he spends almost a thousand dollars a year to mow the lots the Brownfields has been land banking.

Habitat wanted a corner lot and they outbid a neighbor who also wanted it by \$4,700. The neighbor offered \$300.00 and Habitat bid \$5,000. The neighbor was not happy but had no means to try to outbid Habitat so that he could have a little more off-street parking.

There seems to be a push for the Brownfields to be a land bank. The Brownfields does not need to be made into a land bank; they already are a land bank. Their original mission was to be a Brownfields organization, which in most places is associated with industrial properties like old gas stations, dry cleaners or commercial properties that need remediation, but here in Evansville our Brownfields organization has focused on residential and small business economic development. That's mostly in the Art's District around Haynie's Corner from what I understand.

In their operation, the Brownfields has regularly land banked over a hundred properties that have been costing the City around a \$100,000 a year. About two years ago HUD told DMD that they could not use Community Development Block Grant dollars to land bank. The DMD Brownfields now needs a new funding source.

Code enforcement and other initiatives deserve funding. It seems that everyone has their special interest; I'm here tonight with mine. There's just not enough resources to satisfy them. With limited resource priorities, special interests have to take from special interest. Sometimes you have to separate a want from a need. I'd like to add my name to the list for the special interest of needed code enforcement. The Code Enforcement budget is not sufficient. Funding for the weed, rank vegetation and garbage remediation apparently ran out of money months ago. At least that is the response I get from the Citizens Concerns that I turn in using the Smartphone. I think you closed some of those out.

The weed program that relies on part-time help has had no funding for part-time help for a couple of years. Every time I ask about needed services I'm told there's no money for that. I tended to the budget hearing and witnessed for myself Mr. Beane present his skeleton budget and the Council asked if it was enough money. The response was that it was not but instead what he was told to ask for. The Mayor's administration is cutting funding for needed basic blight-fighting services to allow funding for other priorities. In fact a review of available information indicates the amounts deposited to the General Fund from weed and trash fines are actually more than expended. The Code Enforcement program has actually funded other General Fund priorities.

It seems the City has a new pot of money: 25 million from the Riverboat and now the Brownfields land bank is back on the table. Please consider funding the needed code enforcement and demolition. Let new legislation fix the tax sale problem. Fund cost-effective, blight fighting measure like code enforcement and demolition. Keep

transparency and fund City government within City funds and not as a gift to the Brownfields.

Thank you.

President Adams: Thank you very much Mr. Lumley.

Would anybody want to...Kelley, you want to make any comment to that? Ron?

Building Commissioner Beane: *(Off Mic)* I have no particular comments about his *(Inaudible)*

President Adams: Would it make sense to go out and the 50 houses that are the over and over visitation...would that not be sort of low hanging fruit if you knocked off those 50? Would that give you a great savings in the fire...

Building Commissioner Beane: Yeah, anything would be helpful.

President Adams: What?

Building Commissioner Beane: Anything would be helpful.

President Adams: But those particular 50; I mean I...you know which 50 they are, right?

Building Commissioner Beane: Right.

President Adams: Kelley?

DMD Executive Director Coures: *(Off Mic)* There's more than that.

Building Commissioner Beane: There's more than that but the 50 he's referring are the ones that just sold at the Commissioners sale; the surplus property sale that just sold.

President Adams: I think Mr. Lumley said there were 50 that really did a lot of...most of the runs. I can't remember the percentage but it was a high percentage of the runs went to 50 houses. Am I wrong?

Building Commissioner Beane: And that was the Fire Department and police runs?

President Adams: Yeah, yeah.

Building Commissioner Beane: That could be true. I could not verify or contradict most of his comments regarding...

President Adams: Well the only point I'm trying to make is that if you know that a huge percent of people are going to 50 houses, would...and those houses are up for demolition, why would you not knock those down and save a lot of money for the fire and police.

Building Commissioner Beane: Well, first of all, we never had that information. The only reason we got that information to track was for the blight elimination grant. That was one of the statistics that allowed us to score points for the grant and for the properties...

President Adams: Sure.

Building Commissioner Beane:...to be torn down so there is no good way to share data between the police, the fire, and Code Enforcement at this time other than...

President Adams: Are you telling me that we couldn't, over a three month period, now identify the...

Building Commissioner Beane: Sure.

President Adams:...top 50 offenders?

Speaking Simultaneously

Building Commissioner Beane: We know what they are now.

President Adams: What?

Building Commissioner Beane: We have the 1,800 that we think are target properties that potentially will need to be torn down in the next five years. That's just our statistics that our group of houses we would look at.

President Adams: I don't mean to belabor this point but I'm just kind of curious: 1,800 I got.

Building Commissioner Beane: Yes.

President Adams: But if 50 of those 1,800 are really the bad actors...

Building Commissioner Beane: Right.

President Adams:...would it not be...willing to get the fire and police to tell you how those bad actors are over a two or three month period?

Building Commissioner Beane: Well we have that information now...

President Adams: I'm sorry?

Building Commissioner Beane:...as we plan our sea...year next year...

President Adams: I can't hear you.

Building Commissioner Beane:...with the money we've got we'll take 'em down, yes.

President Adams: Those 50?

Building Commissioner Beane: Absolutely, yes.

President Adams: Yeah, great. Okay, any other comments...questions? Any comments from our crowd here tonight? Okay, great. Thank you.

Committee Reports; A.S.D., Ms. Brinkerhoff-Riley?

Councilwoman Brinkerhoff-Riley: Thank you, Mr. President. On December 14th...

President Adams: Oh.

Councilwoman Brinkerhoff-Riley: Do you have...do you want to go to Berniece.

President Adams: I apologize; yes.

Councilwoman Brinkerhoff-Riley: No, that's fine.

President Adams: Sorry. Berniece, come up and talk about the Bill of Rights...in three minutes short. I apologize, Berniece. Thank you.

Berniece Tirmenstein: Berniece Tirmenstein, 1636 E. Blackford Avenue.

This week we have two important dates in our nation's history to remember. It was on this day, December the 7th, 1941, 74 years ago that Japan attacked Pearl Harbor, Hawaii in the early morning hours, 7:55. Nineteen ships were sunk or damaged, 2,300 lives were lost, Americans.

Then December the 12th, this Saturday, we will observe the Bill of Rights Day. Gathering will take place at Central Library, 200 N.W. Martin Luther King, Jr. Blvd, Evansville, in the Browning Room B. Time: 10:00 to 12:00 noon. The main guest speaker will be William (Bill) Fetter, nationally known author and speaker, historian, a bestselling author dedicated to researching America's noble Christian heritage.

Guest speaker will be our Indiana Senator Jim Tones.

The first ten amendments to the U.S. constitution will be read, one by one, by ten selected high school students.

Remember the date.

President Adams: Thank you so much.

Any other miscellaneous additional discussion about anything?

Okay, let's try again. A.S.D. Committee Chairman Brinkerhoff-Riley.

COMMITTEE MEETING SCHEDULE FOR DECEMBER 14, 2015

A.S.D. COMMITTEE:

Re: **Ordinance G-2015-30**

Time: 5:25 p.m.

Notify: Dave Goldblatt

CHAIRWOMAN STEPHANIE

BRINKERHOFF-RILEY

Granting Certificates of Convenience and Necessity for the Operation of Taxicabs for the Year 2016 - Dave's Taxi Service

Re: **Ordinance G-2015-31**

Time: 5:25 p.m.

Notify: James Burchett

Granting Certificates of Convenience and Necessity for the Operation of Taxicabs for the Year 2016 - Unity Taxi of Evansville

President Adams: I will suggest to you all that we're going to need First, Second and Third approval on next Monday to allow Yellow Cab...the young lady who was preparing that has a serious illness for the last six or eight weeks and so therefore she didn't get it. But she did get it in today and so therefore I said if she gets it on the agenda this Wednesday that we would hopefully entertain to do it going forth.

PUBLIC WORKS COMMITTEE:

Re: **Ordinance G-2015-32**

Time: 5:15 p.m.

Notify: Bret Sermersheim

CHAIRMAN AL LINDSEY

Vacate a 12 Foot Alley Lying Between Lots 2 and 3 in Midtown Industrial Park, Recorded in Plat Book J, Page 164

Re: **Ordinance G-2015-33**

Time: 5:20 p.m.

Notify: Joshua M. Croll

Vacate Certain Public Ways or Places within the City of Evansville, Indiana Commonly Known as Alley Way between 1912 Harmony Way (Cave Park 2nd Lots 7-11) and 3501 Koehler Avenue (Cave Park 2 Add L12 and PT L13)

Re: **Ordinance G-2015-34**

Time: 5:20 p.m.

Notify: Maris Bulkley

Vacate Certain Public Rights of Way within the City of Evansville, Indiana Commonly Known as Harriet Street from Virginia Street to Columbia Street and Iowa Street from Harriet Street to Read Street

FINANCE COMMITTEE:

No committee meetings scheduled at this time.

CHAIRMAN CONOR O'DANIEL

ADJOURNMENT

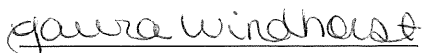
President Adams: I will entertain a motion for adjourn.

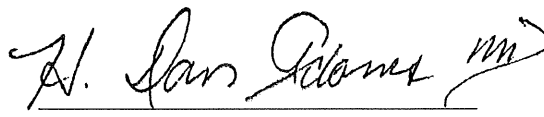
Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: Thank you. Thank you for coming.

Meeting adjourned at 6:06 p.m.


Laura Windhorst, City Clerk


H. Dan Adams, M.D., President